

Food and Drugs Act. A portion of the article was labeled: "Burlington Brand Huckleberries * * * Packed by Ivans Pettit Burlington, N.J." The remainder was labeled in part, variously: "Pansy Brand", "Red Seal Brand", "Harbor Front Huckleberries", or "Lucky Boy Brand."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 28, December 5, December 30, 1933, and January 3, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21740. Adulteration of apples. U. S. v. 60 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31588. Sample no. 56166-A.)

This case involved an interstate shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On October 17, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 9, 1933, by Steve Kapellas, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21741. Adulteration of butter. U. S. v. 76 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31711. Sample no. 51912-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On November 21, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about November 7, 1933, by the Alta Vista Farmers' Mutual Creamery Association, from Alta Vista, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On November 27, 1933, the Alta Vista Farmers Cooperative Creamery Association, Alta Vista, Iowa, having appeared through an agent as claimant for the property and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned that it be reworked so that it contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

21742. Adulteration and misbranding of canned shrimp. U. S. v. 700 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Portion of product ordered destroyed. Remainder released under bond to be relabeled. (F. & D. no. 31292. Sample no. 45310-A.)

This case involved an interstate shipment of canned shrimp identified by various codes. Examination showed that the shrimp in two of the codes was in part decomposed. The labels of a portion of the article, which purported to give the name of the manufacturer and place of manufacture, incorrect, and some of the labels also bore a false claim that the said portion had been packed under the supervision of Alabama State officials.

On October 28, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 13, 1933, by Gussie Fountain Packing Co., Inc., from Biloxi, Miss., and charging that a part of the article was adulterated and that a part was misbranded in violation of the Food and Drugs Act. A portion of the article was labeled: "Johnson's Choice Brand Shrimp * * * Packed by Gulf Coast Canneries, Incorporated, Biloxi, Miss." The remainder was labeled in part: "Mo Bil Bay Brand Fancy Selected Shrimp * * * Packed under the supervision and inspection of the Department of Conservation of the State of Alabama Packed by Dixie Fruit Products Co., Mobile, Alabama." (Code mark showed that the latter brand was also packed by the Gulf Coast Canneries.)

It was alleged in the libel that the portions of the article identified under two of the several codes was adulterated in that it consisted in part of a decomposed animal substance.

It was further alleged in the libel that a portion was misbranded in that the statements on certain of the cans: "Packed under the supervision and inspection of the Department of Conservation of the State of Alabama Packed by Dixie Fruit Products Co., Mobile, Alabama", were false and misleading.

On November 10, 1933, Stanley H. Butte having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of the product charged to be adulterated be destroyed, and that the remainder be released to the claimant upon the execution of a bond in the sum of \$2,500, conditioned that it should not be sold or disposed of until labeled in conformity with the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

21743. Misbranding of stock feed. U. S. v. 100 Bags of Stock Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31185. Sample no. 14133-A.)

This case involved an interstate shipment of a quantity of stock feed that contained less protein and fat and more fiber than was declared on the labeling.

On or about September 29, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 bags of stock feed at Aberdeen, Md., alleging that the article had been shipped in interstate commerce on or about June 22, 1933, by A. Overhold & Co., from Broad Ford, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Overco Stock Feed Manufactured and Packed by A. Overhold & Co. Broad Ford, Pa. * * * Protein 18.00 Fat 7.01 Fibre 16.58."

It was alleged in the libel that the article was misbranded in that the statement on the tag label, "Protein 18.00 Fat 7.01 Fibre 16.58", was false and misleading and deceived and misled the purchaser.

On November 8, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21744. Misbranding of sandwich spread. U. S. v. 24 Dozen Jars of Sandwich Spread. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31221. Sample no. 55596-A.)

Sample jars of sandwich spread taken from the shipment involved in this case were found to contain less than 8 ounces, the declared weight.

On October 10, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 dozen jars of sandwich spread at Atlantic City, N.J., alleging that the article had been shipped in interstate commerce on or about August 22, 1933, by the Bronson Mayonnaise Manufacturing Co., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Cont. 8 ozs. J. D. W. Brand Sandwich Spread."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Cont. 8 ozs.", was false and misleading and deceived